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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL  
FILE

October 30, 1992

OUR FILE NO.  
0250-120-63

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Beverly Hills, Florida  
MM Docket No. 92-195

Dear Ms. Searcy:

Transmitted herewith, on behalf of Sarasota FM, Inc. and Gator Broadcasting Corporation, are an original and four copies of its "COMMENTS OF SARASOTA-FM, INC. And GATOR BROADCASTING CORPORATION" in the above-referenced proceeding.

Please contact the undersigned directly if there are any questions concerning this matter.

Sincerely yours,



David G. O'Neil

DGO:jby

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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
Amendment of Section 73.202(b) ) MM Docket No. 92-195  
Table of Allotments ) RM-7146  
FM Broadcast Stations )  
(Beverly Hills, Florida) )

**Comments of Sarasota-FM, Inc. and  
Gator Broadcasting Corporation**

Sarasota-FM, Inc. ("SFI") licensee of Station WSRZ, Sarasota, Florida, and Gator Broadcasting Corporation ("Gator"), licensee of Station WRRX, Micanopy, Florida, pursuant to Section 1.415(a) & (b) of the Commission's Rules and by their respective attorneys, hereby file their comments in the above-captioned proceeding to amend the FM Table of Allotments, 47 C.F.R. 73.202(b).<sup>1</sup> As described in greater detail below, SFI and Gator, (collectively "SFI/Gator") offer three counterproposals to the *Notice of Proposed Rule Making*, DA 92-1059 (released September 8, 1992) ("NPRM"). Heart of Citrus, Inc., licensee of WXOF-FM, Beverly Hills, Florida, proposes to amend the FM Table of Allotments by substituting Channel 246C3 for Channel 246A at Beverly Hills and modifying the license of WXOF accordingly. In contrast, each alternative set forth herein by SFI/Gator provides upgraded facilities for at least three stations and in two scenarios upgrades for four stations, including WXOF.

The first alternative proposes, *inter alia*, the substitution of Channel 292A for Channel 246A at Beverly Hills and the modification of the WXOF license accordingly. Substitution of Channel 292A at Beverly Hills will permit upgrades in the facilities of WSRZ-FM, Sarasota, Florida; WRRX-FM, Micanopy, Florida; and WLVU-FM, Holiday, Florida. The second alternative proposes, *inter alia*, substituting Channel 292C3 for Channel 246A at Beverly Hills and modifying the license of WXOF accordingly. Substitution of Channel 292C3 at Beverly Hills will permit upgrades in the facilities of WSRZ, WRRX, and WLVU. The third alternative proposes the same channel substitutions for WXOF, WSRZ, WRRX, and WLVU as in the second alternative, but in addition proposes changing the community of license for WXOF to either Inverness or Sugarmill Woods, Florida.

Favorable action on the second or third alternative contained in SFI/Gator's proposal would resolve favorably for all affected parties a significant portion of the many

<sup>1</sup> The *Notice of Proposed Rule Making* authorizes the filing of comments on or before October 30, 1992. Thus, these comments are timely filed.

pending proposals for service improvements in central Florida that have been advanced in MM Docket No. 87-455. Favorable action on any of the alternatives would conserve the Commission's resources in considering SFI's pending *Application for Review, Motion for Stay, and Opposition to Order to Show Cause and Request for Evidentiary Hearing and Other Relief* in MM Docket No. 87-455.<sup>2</sup> In addition, grant of any of the alternatives would eliminate a new shortspacing between WRRX and WXTB, Clearwater, Florida proposed by the licensee of WXTB, Great American Television and Radio. In support thereof, the following is hereby shown:

### ***Introduction***

1. As a threshold matter, SFI/Gator's proposal (at least with respect to the first two alternatives) is entitled to consideration under the old mileage separation rules, Section 73.213(c). Heart, whose petition for rule making led to the instant *NPRM*, filed its petition on September 29, 1989, under the old mileage separation rules contained in Section 73.213. Any comments or reply comments filed in this proceeding in response to Heart's specific petition are therefore governed by the mileage separation rules in effect before October 2, 1989.<sup>3</sup> In addition, SFI/Gator filed a petition for rule making proposing the identical channel substitutions as the first alternative and substantially the same proposals contained in the second alternative of this Comment on August 30, 1989, ***thirty days before Heart filed its rule making petition.***<sup>4</sup> Because SFI/Gator filed their rule making petition before Heart and before the October 2, 1989 cut-off, SFI/Gator's proposal is entitled to the same consideration as the Heart proposal under the previous provisions of Section 73.213.<sup>5</sup> *See Amendment of Part 73 of the Rules to*

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<sup>2</sup> Under the staff decision in that Docket, WSRZ would be forced to change channels to permit an upgrade for WLWU-FM. The proposals advanced herein would permit both WSRZ and WLWU to upgrade, mooting the pending appeals of the staff decision in that docket.

<sup>3</sup> On October 2, 1989, the Commission implemented new mileage separation requirements to provide increased protection for Class A stations which increased power from three kilowatts to six kilowatts. Any rule making petitions or applications filed prior to October 2, 1989 are considered under the old mileage separation rules. *Amendment of Part 73 of the Rules to provide for an additional FM station class (Class C3) and to increase the maximum transmitting power for Class A FM stations, Second Report and Order*, 4 FCC Rcd 6375, 6382 (1989).

<sup>4</sup> See Exhibit 3. SFI/Gator's August 30, 1989 *Joint Petition for Rule Making* is identical to the first alternative except that Channel 300A (instead of Channel 300C2) is proposed for Chiefland, Florida. The difference between the second alternative and the August 30, 1989 petition for rule making is that SFI/Gator's rule making petition proposed the substitution of Channel 292A at Beverly Hills instead of Channel 292C3. At the time SFI/Gator filed their rule making petition, Channel 246A at Beverly Hills was the subject of a comparative proceeding and the Commission had not yet granted a construction permit for the channel. In order to provide optimal service in the best interest of the public, SFI/Gator has modified its proposal to reflect an upgrade for the Beverly Hills Allotment on Channel 292C3. SFI and Gator would draw the Commission's attention to the fact that upgrades under the new mileage separation rules are permissible for every community except Beverly Hills.

<sup>5</sup> The Commission correctly states in the *NPRM* that Heart's proposal conflicts with a Channel 247C2 upgrade proposal for Micanopy, Florida and a Channel 246C2 upgrade proposal for Holiday, Florida. *NPRM* at n.1. The Commission neglects to mention, however, that these proposals are still pending

*provide for an additional FM station class (Class C3) and to increase the maximum transmitting power for Class A FM stations, Second Report and Order, 4 FCC Rcd 6375, 6382 (1989) (Commission must process petitions filed prior to October 2, 1989 under mileage separation rules in effect on that date).*

***First Alternative***

2. SFI/Gator first propose the following channel substitutions:

<b><i>Community</i></b>	<b><i>Present Channel</i></b>	<b><i>Proposed Channel</i></b>	<b><i>Station</i></b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	292A	WXOF
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH

SFI/Gator also request that the licenses of WSRZ-FM, Sarasota, Florida; WLVU, Holiday, Florida; and WRRX-FM, Micanopy, Florida, licensed to SFI, Pasco-Pinellas Broadcasting Co. ("Pasco"), and Gator, respectively, be modified to specify operation on the higher class channels proposed. As set forth in the attached *Engineering Statement of Bromo Communications*,<sup>6</sup> this proposal fully comports with the Commission rules and policies and represents resolution of various requests for service enhancements to the affected communities.

3. Adoption of this proposal would allow significant service improvements for WSRZ, WRRX, and WLVU. Specific public interest benefits include:

- (a) The substitution of Channel 247C2 for Channel 249A at Micanopy will bring that community its first wide area service.
- (b) The substitution of Channel 246C2 for Channel 292A at Holiday would allow Pasco to upgrade its facilities at its present transmitter site and provide that community with its first wide area service. Pasco has previously indicated its support for this channel substitution.<sup>7</sup>

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before the Commission in SFI/Gator's pending petition for rule making.

<sup>6</sup> See Exhibit 1.

<sup>7</sup> Pasco has previously endorsed substitution of Channel 246C2 for Channel 292A at Holiday (instead of Channel 292C2), provided that the Commission did not accept competing expressions of interest. *Reply to Opposition to Petition for Reconsideration*, at 3-4, filed by Pasco Pinellas Broadcasting on October 4, 1989; *Petition for Leave to File Response and Response to Comments in Counterproposal*, filed by Pasco Pinellas Broadcasting Co. on February 22, 1988. In light of the Commission staff conclusion that substitution of Channel 246C2 for Channel 292A may be accomplished pursuant to the incompatible channel swap theory, discussed in greater detail below, competing expressions of interest for Channel 246C2 (or Channel 292C3 at Beverly Hills) will not be accepted. *Perry, Florida*, 7 FCC Rcd 2557, 2559 & 2560 (1992)

(c) The Holiday-Beverly Hills channel swap would allow SFI to upgrade WSRZ on Channel 293C2. This will allow WSRZ to compete more effectively with other high power FM stations in its market areas.

4. The proposed channel substitutions at Micanopy, Holiday, and Sarasota can be made and the licenses of WRRX, WLVU, and WSRZ can be modified to specify operation on the higher class channels, pursuant to Section 1.420(g) of the Commission's Rules. The Micanopy and Sarasota upgrades on second and first adjacent channels, respectively, are mutually exclusive with the current allotments in those communities. Thus, no competing expressions of interest would be acceptable.

5. The proposed channel substitutions at Beverly Hills and Holiday can also be made without solicitation of competing expressions of interest in the higher class channel at Holiday (or Beverly Hills, in the case of the second alternative). In *Modification of FM Broadcast Licenses to Higher Class Co-Channel or Adjacent Channels*, 60 RR 2d 114 (1986), the Commission considered certain variations of the mutual exclusivity rule that would encourage existing licensees to upgrade while protecting their interests in their existing facilities. One such approach involved a nonadjacent upgrade called the "incompatible channel swap." The Commission envisions the incompatible channel swap where:

. . . a Class A licensee operating on Channel 240A files a request to upgrade on Channel 271C2 and proposes to exchange channels with a licensee in another community currently operating on Channel 270A. It is argued that although Channels 240A and 271C2 are not adjacent, nevertheless Channel 271C2 is not available in the *Ashbacker* sense for application by other interest parties, because Channel 270A must be replaced with 240A in order for the upgrade to be possible. Only the licensee on Channel 240A could utilize Channel 271C2 in this scenario.

*Id.* at 120. The Commission will grant applications for incompatible channel swaps and will protect the upgrades from mutually exclusive applications. *Clincho, Virginia*, 6 FCC Rcd 3732 (Chief, Allocations Branch) (1991); *Angola, Michigan*, 6 FCC Rcd 1230, 1234 n.18 (Acting Chief, Allocations Branch) (1991).

6. The Commission staff acknowledges that the proposal to upgrade WLVU and WXOF calls for exactly the kind of incompatible channel swap contemplated by the Commission. *Perry, Florida*, 7 FCC Rcd 2557, 2558 (1992) (Deputy Chief, Policy and Rules Division). In the instant case, Channel 292A cannot be used at both Beverly Hills and Holiday. Moreover, Channel 292A is the only alternative channel available for use at

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(Deputy Chief, Policy and Rules Division).

Beverly Hills to effectuate upgrades for WLVU and WXOF. *See Engineering Statement of Alvin Andrus* (Attached to Exhibit 3). The swap of Channel 292 with Channel 246 between the communities of Holiday and Beverly Hills provides Holiday with its first wide area service<sup>8</sup>. Only by making this channel substitution can Channel 246C2 be used at Holiday and Channel 292A used at Beverly Hills.<sup>9</sup> Because no other channels are available for use at Beverly Hills, the continued operation of WLVU on Channel 292 is incompatible with operation of a new station on Channel 246C2. Thus, as the Commission already recognizes, “. . . the proposed nonadjacent channel upgrade at Holiday could be done without opening up the licensee to other expressions of interest . . . as an incompatible channel swap between Channel 246 at Beverly Hills and Channel 292 at Holiday.” *Perry, Florida*, 7 FCC Rcd. at 2558.

7. The first alternative serves the public interest by providing increased radio service to over 851,315 listeners through upgraded facilities for WSRZ and WRRX, and WLVU. *Engineering Statement of Bromo Communications* at 8. Heart’s petition for rule making, on the other hand, provides improved service to only 97,019. *Id.* at 10. Because the SFI/Gator proposal provides additional service to more listeners than the Heart proposal (nine times more), the SFI/Gator proposal is superior under the Commission’s priorities for allotting FM channels.

### ***Second Alternative***

8. While the first alternative fully complies with the Commission’s prior and present mileage separation rules, SFI/Gator believe that a second alternative would also be permissible. This second alternative would not only allow the upgrades of WSRZ, WRRX, and WLVU, but would also permit an upgrade at Beverly Hills. As this second alternative, SFI/Gator propose the following channel substitutions:

<b><i>Community</i></b>	<b><i>Present Channel</i></b>	<b><i>Proposed Channel</i></b>	<b><i>Station</i></b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	292C3	WXOF
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH

SFI/Gator request that the licenses of WSRZ-FM, Sarasota, Florida; WLVU, Holiday, Florida; WXOF-FM, Beverly Hills, Florida; and WRRX-FM, Micanopy, Florida, licensed

<sup>8</sup> Under the second and third alternatives, the swap of Channels 246 and 292 between the communities of Holiday and Beverly Hills will provide each community with its first wide area service.

<sup>9</sup> Or Channel 292C3 in the second alternative and Channel 292C3 for either Inverness or Sugar Mill Woods in the third alternative.

to SFI, Pasco, Heart, and Gator, respectively, be modified to specify operation on the higher class channels proposed. As set forth in the attached *Engineering Statement of Bromo Communications*,<sup>10</sup> this proposal comports with the Commission rules and policies and represents the optimal resolution of various requests for service enhancements to the affected communities. SFI and Gator hereby incorporate by reference their arguments for the applicability of the incompatible channel swap doctrine *supra*, at paragraphs 5 & 6 in support of the second alternative.

9. Adoption of this proposal would allow significant service improvements for WSRZ, WRRX, WXOF, and WLVU. Specific public interest benefits include:

- (a) The substitution of Channel 247C2 for Channel 249A at Micanopy will bring that community its first wide area service.
- (b) The substitution of Channel 246C2 for Channel 292A at Holiday would allow Pasco to upgrade its facilities at its present transmitter site and provide that community with its first wide area service. Pasco has previously indicated its support for this channel substitution.
- (c) The Holiday-Beverly Hills channel swap would allow SFI to upgrade WSRZ on Channel 293C2. This will allow WSRZ to compete more effectively with other high power FM stations in its market areas.
- (d) The substitution of Channel 292C3 for Channel 246A at Beverly Hills will bring that community its first wide area service.

10. The Commission should implement each of the proposed channel substitutions under the old mileage separation rules which, as discussed above, govern this proceeding.<sup>11</sup>

### ***Third Alternative***

11. In the event the Commission does not adopt either of the first two proposals, SFI/Gator propose the following channel substitutions as a third alternative:

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<sup>10</sup> See Exhibit 1.

<sup>11</sup> The reference coordinates for Heart's proposed Channel 246 C3 allotment at Beverly Hills, Florida are 28-47-46 and 82-28-31. Since Heart's proposed transmitter site differs from its current transmitter site (28-53-38 and 82-26-39), Heart proposes a change in location of transmitter site. SFI/Gator also propose to change the location of the transmitter site of WXOF in order to upgrade WXOF on Channel 292C3. A change in location of WXOF's transmitter site is in the public interest because Heart proposes to change the location of its transmitter site in order to effectuate its proposed upgrade on Channel 246C3 (and indeed must change its transmitter site in order to satisfy the Commission's mileage separation rules). Moreover, upgrading WXOF on Channel 292C3 will permit upgrades for three additional stations, WLVU, WSRZ, and WRRX. Because SFI/Gator's proposed upgrades serve the public interest, the permission of Heart to change its transmitter site and operate on Channel 292C3 is unnecessary. *Boalsburg, Pennsylvania*, 3 FCC Rcd 6116, 6116 (1989) (Deputy Chief, Policy and Rules Division).

<b>Community</b>	<b>Present Channel</b>	<b>Proposed Channel</b>	<b>Station</b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	-----	-----
Sugarmill Woods, FL	----	292C3	WXOF
Inverness, Florida	----	292C3	-----12
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH

12. The third alternative is identical to the second alternative except that instead of allotting Channel 292C3 to Beverly Hills, Florida, SFI/Gator propose an incompatible channel swap between WXOF and WLVU to allot Channel 292A to Beverly Hills and then change the community of license for WXOF from Beverly Hills to either Inverness or Sugarmill Woods. SFI/Gator hereby incorporate by reference their arguments under the first alternative pertaining to the incompatible channel swap and the commensurate benefits. The proposed change of the community of license for WXOF would, as demonstrated below, serve the public interest.

13. Section 1.420(i) of the Commission's Rules permits an FM radio broadcast station to petition the Commission to amend the FM Table of Allotments to specify a new community of license for an FM radio station. *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4873 (1989), *reconsidered in part*, 5 FCC Rcd 7094 (1990). The Commission will not accept competing expressions of interest if the new allotment is mutually exclusive with the existing allotment. 4 FCC Rcd at 4873. Although the Commission is reluctant to remove the last local service from a community, the Commission will grant a waiver of Section 1.420(i) where the Commission believes that removal of the local service will serve the public interest. 5 FCC Rcd at 7096.

14. Changing channels for WXOF pursuant to an incompatible channel swap and in conjunction with a change in the community of license serves the public interest. As discussed above, swapping channels between WXOF and WLVU is possible as an incompatible channel swap. Changing the community of license for WXOF to either Inverness or Sugarmill Woods permits WXOF to operate on Channel 292C3 under the **current mileage separation rules**.<sup>13</sup> This in turn will permit WXOF, WLVU, WSRZ, and WRRX to upgrade their facilities, thereby providing increased radio service to the public.

15. Inverness is an incorporated city and county seat of Citrus County

<sup>12</sup> The proposal to allot Channel 292C3 to Inverness is an alternative to the proposal to allot Channel 292C3 to Sugar Mill Woods.

<sup>13</sup> *Engineering Statement of Alvin Andrus* (Exhibit 2).



(where Beverly Hills and Sugarmill Woods are located) while Beverly Hills, and Sugarmill Woods are census designated places. *Engineering Statement of Bromo Communications* at 5-6. Allocation of Channel 292C3 to either Inverness or Sugarmill Woods will provide greatly expanded service to the residents of Citrus County, provide the first wide area service for either community, and still permit a 1 mV/m signal over Beverly Hills. *Id.* Because the new allotment to either Inverness or Sugarmill Woods is mutually exclusive with Beverly Hills, the Commission should not accept competing expressions of interest. *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, 4873 (1989).<sup>14</sup>

### ***Procedural Concerns***

16. As beneficiary of the substitution required of WLQH, Gator is aware of and will honor its obligations under Commission policy to reimburse the licensee of WLQH for reasonable expenses incurred in making the substitution, should the upgrades it proposes for WSRZ and WRRX be adopted. As beneficiary of the substitutions required of WLWU and WXOF, SFI and Gator are aware of and will honor their obligations under Commission policy to reimburse the licensees of WLWU and WXOF for reasonable expenses incurred in making the substitutions, should the upgrades they propose for WSRZ and WRRX be adopted. *Circleville, Ohio*, 8 FCC 2d 159 (1967).

17. SFI, Gator, and Pasco hereby express their intention to file appropriate applications to implement upgrades for their stations, should the Commission adopt any of the proposed alternatives.

### ***Conclusion***

18. SFI and Gator present two proposals for upgrading the facilities of their respective stations and those of WXOF, Beverly Hills, Florida, and WLWU, Holiday, Florida. The remaining proposal provides upgrades for WSRZ, WRRX, and WLWU. Granting any of the alternatives proposed herein will resolve pending petitions in MM Docket No. 87-455. Failure to adopt any of these comprehensive alternatives will result in delayed service to the public and protracted litigation among proponents of upgrades for rival stations.

19. Although adoption of any alternative serves the public interest by increasing FM radio service to the public quickly and efficiently, SFI and Gator urge the Commission consider the alternatives in the order presented. The first alternative better serves the public interest than the Heart proposal by providing increased service to a

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<sup>14</sup> SFI/Gator recognize that such a change would routinely need the approval of Heart. The proposal is being advanced here in hopes that Heart will recognize the obvious public interest benefits of this proposal, and join in supporting it.

greater area and population. The second and third alternatives provide increased service to the public by upgrading the facilities of four stations. Under either the second or third alternative, everyone *wins*.

WHEREFORE, for the foregoing reasons, Sarasota-FM, Inc. and Gator Broadcasting Corporation respectfully request that the Commission grant their counterproposal by amending the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, in accordance with the following:

***First Alternative***

<b><i>Community</i></b>	<b><i>Present Channel</i></b>	<b><i>Proposed Channel</i></b>	<b><i>Station</i></b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	292A	WXOF
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH

***Second Alternative***

<b><i>Community</i></b>	<b><i>Present Channel</i></b>	<b><i>Proposed Channel</i></b>	<b><i>Station</i></b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	292C3	WXOF
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH

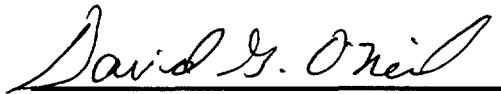
***Third Alternative***

<b><i>Community</i></b>	<b><i>Present Channel</i></b>	<b><i>Proposed Channel</i></b>	<b><i>Station</i></b>
Sarasota, FL	292A	293C2	WSRZ
Holiday, FL	292A	246C2	WLVU
Beverly Hills, FL	246A	-----	-----
Sugarmill Woods, FL	----	292C3	WXOF
Inverness, Florida	----	292C3	----- <sup>15</sup>
Micanopy, FL	249A	247C2	WRRX
Chiefland, FL	247A	300A	WLQH'

<sup>15</sup> The proposal to allot Channel 292C3 to Inverness is an alternative to the proposal to allot Channel 292C3 to Sugar Mill Woods.

Respectfully submitted,

**Sarasota-FM, Inc.**

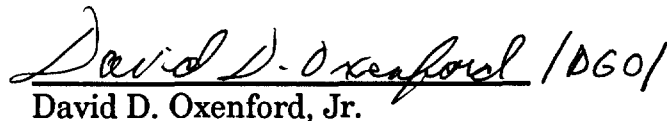


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Its Attorney

October 30, 1992

## **Exhibit 1**

COMMENTS AND COUNTERPROPOSAL  
MM DOCKET #92-195  
GATOR BROADCASTING, INC.  
SARASOTA FM, INC.  
WRRX FM RADIO STATION  
CHANNEL 249A - 97.7 MHz  
MICANOPY, FLORIDA  
October 1992

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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COMMENTS AND COUNTERPROPOSAL  
MM DOCKET #92-195  
GATOR BROADCASTING, INC.  
SARASOTA FM, INC.  
WRRX FM RADIO STATION  
CHANNEL 249A - 97.7 MHz  
MICANOPY, FLORIDA  
October 1992

This Technical Exhibit supports the comments and counterproposal to MM Docket #92-195 as presented by Gator Broadcasting, Inc., ("Gator"), licensee of WRRX FM Radio Station, Micanopy, Florida, and Sarasota FM, Inc., ("SFI"), licensee of WSRZ Radio Station, Sarasota, Florida. MM Docket #92-195 proposes to upgrade the allocation at Beverly Hills, Florida, from Channel 246A to Channel 246C3 with a site restriction. The allocation in Beverly Hills as proposed by Heart of Citrus, Inc. ("Heart"), is mutually exclusive with Gator and Sarasota as outlined below.

The following allocations and station proposals will be addressed in this counterproposal:

- 1) Channel 249A, Micanopy, Florida - to Channel 247C2;
- 2) Channel 292A, Sarasota, Florida - to Channel 293C2;
- 3) Channel 250C, Clearwater, Florida - application to initiate full Class C service in Clearwater;
- 4) Channel 247A, Chiefland, Florida - to Channel 300A;

- 5) Channel 292C2, Holiday, Florida - to Channel 246C2;
- 6) Channel 246A, Beverly Hills, Florida - to Channel 292A;
- 7) Channel 246A, Beverly Hills, Florida - to Channel 292C3 (§73.213(c) spacing);
- 8) Channel 246A, Beverly Hills, Florida - to Channel 292C3, Inverness, Florida;
- 9) Channel 246A, Beverly Hills, Florida - to Channel 292C3, Sugarmill Woods, Florida;

Gator proposes to delete Channel 249A in Micanopy, substituting Channel 247C2, site restricted to the north. The reference coordinates for Channel 247C2 in Micanopy are North Latitude 29° 38' 55" and West Longitude 82° 25' 30". To effectuate this change, it will be necessary to change the WLQH allocation frequency in Chiefland, Florida, from Channel 247A to Channel 300A, and to change the WXOF allocation frequency in Beverly Hills from Channel 246A to Channel 292A. The Beverly Hills frequency change, in turn, requires WLVU, Holiday, Florida, to move from Channel 292C2 to Channel 246C2.

It is noted that SFI proposes an upgrade for WSRZ, Sarasota, Florida, from Channel 292A to Channel 293C2. In order to effectuate the Sarasota counterproposal, it is necessary to change the allocation frequency for WLVU,

Holiday, Florida, from Channel 292C2 to Channel 246C2. Further, it will be necessary to simultaneously change the WXOF, Beverly Hills, Florida, allocation frequency from Channel 246A to Channel 292A.

Since the Gator and SFI proposals each require an allotment change for Channel 246A in Beverly Hills and Channel 292C2 in Holiday, and since the proposal by Heart is in direct conflict with those changes, it is appropriate that these comments are filed jointly. And, since the frequency change for Beverly Hills is mutually exclusive with the Heart proposal to upgrade WXOF from Channel 246A to Channel 246C3 in Beverly Hills, this may be viewed as a counterproposal to MM Docket #92-195. Further, it is in the public interest that since the underlying proposal for Channel 246C3 in Beverly Hills was filed on September 29, 1989 (before the 6.0 kW Class A spacing rules of §73.207 were initiated), the grandfathered spacing requirements of §73.213(c) should be invoked. Each of the Exhibits listed below are accompanied by a map visually demonstrating the allocation clearance for §73.213(c) spacing rules area also appropriate since the Gator/SFI petition was originally proposed as early as October 23, 1987 (MM Docket #87-455).

Each of the exhibits listed below are accompanied by a map visually demonstrating the allocation clearance from the reference coordinates for each proposal. Exhibit #1 is a



clearance study of the Gator proposal at the specified reference coordinates of North Latitude 29° 38' 55" and West Longitude 82° 25' 30". To effectuate this upgrade, it will be necessary to change the allotments for WLQH-FM, Chiefland, Florida, and WXOF, Beverly Hills, as detailed above.

Exhibit #2 is a clearance study which demonstrates the need to change frequencies in Holiday to allow WSRZ to upgrade facilities from Channel 292A to Channel 293C2. This study further demonstrates that there is no restriction to Channel 293C2 in Sarasota by Channel 292C3 or Channel 292A in Beverly Hills (Inverness or Sugarmill Woods).

Exhibit #3 is a computerized printout of the WXTB, Clearwater, clearance to the present Gator allocation at the licensed site. It is noted that a new shortspace between WRRX and WXTB, Great American Television and Radio ("Great American"), has been proposed under §73.215 (contour protection) regulations. Gator has filed an objection to the Great American application. Gator proposes to eliminate this shortspace by changing frequency and upgrading the WRRX facility to Class C2.

Exhibit #4 is the clearance study for Channel 300A, WLQH FM, Chiefland, Florida. This is the proposed allocation change which eliminates the conflict between the Gator proposal and WLQH FM. The new frequency can be used at the present WLQH construction permit site and does not preclude future facility improvements for WLQH.

Exhibit #5 is a clearance study which demonstrates that WLVU, Holiday, Florida, can re-locate from Channel 292C2 to Channel 246C2. In fact, WLVU could re-locate to Channel 246C2 at their present tower site.

Exhibit #6 is a clearance study which demonstrates that WXOF could be assigned Channel 292A at the WXOF construction permit site in lieu of Channel 246A which is presently allocated. This is an equivalent channel to the present Class A allocation for WXOF.

Exhibit #7 is the clearance study for Channel 292C3 as a substitute frequency for the Heart proposal for Channel 246C3 in Beverly Hills. This substitution is site restricted from the Beverly Hills reference coordinates. This should not be considered an undue limitation. Heart has also proposed a site restriction in MM Docket #92-195. Since the underlying petition to allot Channel 246C3 to Beverly Hills pre-dates the 6.0 kilowatt Class A spacing rules of §73.207, Channel 292C3 utilizes §73.213(c) spacing to WEAG, Starke, Florida.

Exhibit #8 is a clearance study demonstrating that WXOF could be assigned Channel 292C3 under current §73.207 spacing rules, with a change in community of license to Inverness, Florida. It is noted that Beverly Hills, Florida, is a census designated place (CDP) and does not have its own governing body, schools and other local services. Inverness is an incorporated community with government and city

services. Inverness is the county seat for Citrus County, providing all present government services to Beverly Hills, and is presently not provided fulltime aural service by any commercial facility. The residents of Beverly Hills CDP would continue to be fully served by 1.0 mV/m, or greater, service. It is, therefore, in the public interest to provide expanded service to Citrus County by upgrading WXOF to Channel 292C3, and change the community of license to Inverness.

As a final alternative, Exhibit #9 is a clearance study demonstrating that WXOF could be assigned Channel 292C3 under current §73.207 spacing rules, with a change in community of license to Sugarmill Woods. It is noted that Beverly Hills, Florida, is a census designated place (CDP) and does not have its own governing body, schools and other local services. Sugarmill Woods is also a CDP, both are located in Citrus County, and the residents of the county would receive greatly expanded service by the upgraded facility. Beverly Hills CDP would continue to be fully served by 1.0 mV/m or greater service. It is, therefore, in the public interest to provide expanded service to Citrus County by upgrading WXOF to Channel 292C3, and change the community of license to Sugarmill Woods (CDP).

It is proposed to make the following changes to the FM Table of Allotments, §73.202 of the Commission's rules, with the noted options. Included with the options are tabulation of the increases in population served by each proposal and the totals of each proposal.

OPTION #1

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>NET POPULATION GAIN/LOSS</u>
Micanopy, FL	249A (177,914)	247C2 (295,781)	+ 117,867
Chiefland, FL	247A ( 25,237)	300A ( 25,237)	-----
Beverly Hills, FL	246A (109,931)	292A (109,931)	-----
Holiday, FL	292A (280,419)	246C2 (1,549,311)	+1,268,892
Sarasota, FL	273C, 288A 292A (365,938)	273C, 288A 293C2 (1,099,386)	+ 733,448
	<u>TOTAL POPULATION GAIN</u>		<u>+2,120,207</u>

Population served ( )

OPTION #2

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>NET POPULATION GAIN/LOSS</u>
Micanopy, FL	249A (177,914)	247C2 (295,781)	+ 117,867
Chiefland, FL	247A ( 25,237)	300A ( 25,237)	-----
Beverly Hills, FL	246A (109,931)	292C3 (\$73.213 spacing (219,154)	+ 109,223
Holiday,FL	292A (280,419)	246C2 (1,549,311)	+1,268,892
Sarasota, FL	273C, 288A 292A (365,938)	273C, 288A 293C2 (1,099,386)	+ 733,448
	TOTAL POPULATION GAIN		+2,229,430

Population served ( )

OPTION #3

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>NET</u> <u>POPULATION</u> <u>GAIN/LOSS</u>
Micanopy, FL	249A (177,914)	247C2 (295,781)	+ 117,867
Chiefland, FL	247A ( 25,237)	300A ( 25,237)	-----
Beverly Hills, FL	246A (109,931)	----	- 109,931
Inverness, FL	----	292C3 (247,445)	+ 247,445
Holiday, FL	292A (280,419)	246C2 (1,549,311)	+1,268,892
Sarasota, FL	273C, 288A 292A (365,938)	273C, 288A 293C2 (1,099,386)	+ 733,448
	<u>TOTAL POPULATION GAIN</u>		<u>+2,257,721</u>

Population served ( )

OPTION #4

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>NET POPULATION GAIN/LOSS</u>
Micanopy, FL	249A (177,914)	247C2 (295,781)	+ 117,867
Chiefland, FL	247A ( 25,237)	300A ( 25,237)	-----
Beverly Hills, FL	246A (109,931)	----	- 109,931
Sugarmill Woods, FL	----	292C3 (213,678)	+ 213,678
Holiday, FL	292A (280,419)	246C2 (1,549,311)	+1,268,892
Sarasota, FL	273C, 288A 292A (365,938)	273C, 288A 293C2 (1,099,386)	+ 733,448
	<u>TOTAL POPULATION GAIN</u>		<u>+2,223,954</u>

Population served ( )

OPTION #5

	<u>PRESENT</u>	<u>PROPOSED</u>	<u>NET</u> <u>POPULATION</u> <u>GAIN/LOSS</u>
Micanopy, FL	249A (177,914)	249A (177,914)	-----
Chiefland, FL	247A ( 25,237)	300A ( 25,237)	-----
Beverly Hills, FL	246A (109,931)	246C3 (206,950)	+ 97,019
Holiday, FL	292A (280,419)	292C2 (1,549,311)	+1,268,892
Sarasota, FL	273C, 288A 292A (365,938)	273C, 288A 292A (365,938))	-----
	<u>TOTAL POPULATION GAIN</u>		<u>+1,365,911</u>

Population served ( )



WRRX, Micanopy, Florida  
Upgrade Facility Proposal

REFERENCE

29 38 55 N  
82 25 30 W

CLASS C2

Current rules spacings

CHANNEL 247 - 97.3 MHz

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
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AD247	247C2	Micanopy	FL	0.0	0.00	190.0	-190.00
AD	29 38 55	82 25 30	0.000 kW	OM	0.0	118.1	

> Joint Petition - Counterproposal to MM Docket #92-195

Gator Broadcasting Corporation - Sarasota FM, Inc.

WLQHFM	247A	Chiefland	FL	251.9	47.04	166.0	-118.96
CPM CN	29 31 00	82 53 11	6.000 kW	100M	29.2	103.2	

> Joint Petition - Counterproposal to MM Docket #92-195

Gator Broadcasting Corporation - Sarasota FM, Inc.

To Channel 300A - See Exhibit #2

* AD246	246C3	Beverly Hills	FL	183.0	94.61	117.0	-22.39
AD	28 47 46	82 28 31	0.000 kW	OM	58.8	72.7	

Heart of Citrus, Inc.

RM7146

> Joint Petition - Counterproposal to MM Docket #92-195

Gator Broadcasting Corporation - Sarasota FM, Inc.

To Channel 292C3 - See Exhibit #4

* WXOF.C	246A	Beverly Hills	FL	181.3	83.67	106.0	-22.33
CP CN	28 53 38	82 26 39	2.550 kW	108M	52.0	65.9	

Heart of Citrus, Inc.

BPH871119ME 930119

> Joint Petition - Counterproposal to MM Docket #92-195

Gator Broadcasting Corporation - Sarasota FM, Inc.

To Channel 292A - See Exhibit #4A

WPCV	248C	Winter Haven	FL	153.2	189.03	188.0	1.03 <
LI CN	28 07 35	81 33 03	100.000 kW	310M	117.5	116.8	

Hall Communications, Inc.

BLH890908KA

WKQL	245C	Jacksonville	FL	50.0	108.32	105.0	3.32
LI CY	30 16 34	81 33 53	100.000 kW	309M	67.3	65.3	

Professional Broadcasting, Inc.

BLH900420KA

WJAD	247C	Bainbridge	GA	309.3	263.30	249.0	14.30
LI CN	31 09 12	84 32 42	100.000 kW	305M	163.6	154.8	

Guardian Communications, Inc.

BLH850805LZ

AD246	246C2	Holiday	FL	190.5	154.20	130.0	24.20
AD	28 16 51	82 42 52	0.000 kW	OM	95.8	80.8	

Gator Broadcasting, Corporation

RM7091

> Joint Petition - Counterproposal to MM Docket #92-195

Gator Broadcasting Corporation - Sarasota FM, Inc.

From Channel 292C2 - See Exhibit #5

- \* - Either Channel 292C3 is substituted for 246C3 or  
Channel 246A is moved to Channel 292A

EXHIBIT #1  
MM DOCKET #92-195  
JOINT COUNTERPROPOSAL  
GATOR BCSTG CORP  
SARASOTA FM, Inc.

OCTOBER 1992